

requests may be effectual, it should endeavor to remove the obstacle, which now retards the Baltimore and Ohio rail road, in its further progress up the valley of the Potomac, and which may ultimately oblige it to seek a route, remote from the Potomac, through Virginia, leaving the State of Maryland at Harper's Ferry.

*Therefore, be it resolved by the General Assembly of Maryland,* that the Chesapeake and Ohio canal company be requested to recind such parts of the agreement, between that company and the Baltimore and Ohio rail road company, dated on or about the ninth day of May in the year eighteen hundred and thirty three, as may now bind the latter not to continue the said rail road further up the valley of the Potomac than Harper's Ferry—so that the said rail road company may be permitted to continue their said road up the valley aforesaid—regard being had, in all respects, to the rights of the said canal company, acquired in the construction or location of their said canal.

And whereas, by an act of Assembly, passed at December session, in the year eighteen hundred and thirty two, it is provided, that the said rail road company shall not use steam on the portion of their said road, between the Point of Rocks and Harper's Ferry aforesaid, at the places where the said canal and rail road approach near to each other, without erecting a board fence between the two works, so as to conceal the engines used on the said road, from the horses used on the towing path of the canal—the erection of which fence would, for many reasons, be most injurious to the said road, and if insisted on, would amount to a prohibition to use steam on the said portion of the said road. And whereas, the said act of Assembly having been made the basis of the agreement aforesaid, between the said two Corporations, it is represented, that the assent of the said canal company might be requisite to the release of the said rail road company, from the condition precedent to their use of steam on said portion of said road.

*Therefore, be it resolved by the General Assembly of Maryland,* that the Chesapeake and Ohio canal company be requested, to release such right as they may have, under the act in question, to insist upon the erection of the said fence, as a condition precedent to the use of steam, on the portion of the Baltimore and Ohio rail road, between the Point of Rocks and Harper's Ferry.

*And be it further resolved,* that the Governor of the State of Maryland, be requested to forward the foregoing resolu-